

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL NO. 5:04-cv-00019-W**

**GEORGE A. O'BAR, and JACOB A.
PEARCE,**

Plaintiffs,

vs.

LOWE'S HOME CENTERS, INC.,

Defendant.

ORDER TO SEAL DOCUMENTS

THIS MATTER is before the Court on Plaintiffs' Motion to Seal Documents (Doc. No. 80), filed December 12, 2006. Pursuant to paragraph 2 of the September 2, 2004, Stipulated Order Regarding Confidentiality of Discovery Material (Doc. No. 25) and Local Rule 5.1, the Court GRANTS Plaintiffs' Motion.

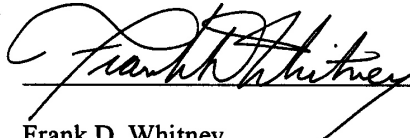
Plaintiffs' Motion seeks an order to place under seal certain documents in their Memorandum in Opposition to Defendant's Motion for Summary Judgment (Doc. No. 78), filed December 11, 2006, and the exhibits thereto (including Doc. No. 79, filed December 12, 2006). However, due to the limitations of the Electronic Document Filing System, the clerk's office is unable to place under seal *portions* of Plaintiffs' Memorandum in Opposition to Defendant's Motion for Summary Judgment. Instead, once the document has been electronically submitted, the *entire* document and accompanying exhibits must be placed under seal. Because sealing the document will make Plaintiffs' Memorandum and accompanying exhibits inaccessible to the parties, Plaintiffs are ordered to resubmit their Memorandum in Opposition to Defendant's Motion for Summary Judgment, as

amended by identifying documents to be placed under seal in accordance with Local Rule 5.1.

IT IS, THEREFORE, ORDERED that Plaintiffs' Motion to Seal Documents (Doc. No. 80) is GRANTED. The Clerk is DIRECTED to remove from public access and place under seal Plaintiffs' Memorandum in Opposition to Defendant's Motion for Summary Judgment (Doc. No. 78), and any exhibits thereto (including Doc. No. 79). Further, Plaintiffs are ORDERED to immediately file an Amended Memorandum in Opposition to Defendant's Motion for Summary Judgment in accordance with paragraph 2 of the September 2, 2004, Stipulated Order Regarding Confidentiality of Discovery Material and Local Rule 5.1.

IT IS SO ORDERED.

Signed: December 13, 2006


Frank D. Whitney
United States District Judge

